

Attorney Docket No. 55,185 (41371)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Oliver T. Althoff, et al.

CONFIRMATION NO.: 2955

U.S.S.N.: 09/910,256

GROUP: 2131

FILED: July 20, 2001

EXAMINER: Abdi, K.

FOR: CHECKOUT SYSTEM FOR ON-LINE, CARD PRESENT EQUIVALENT
INTERCHANGESTHE HONORABLE COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

DECLARATION UNDER 37 CFR § 1.131

The undersigned (herein after "I" or "me") declares as follows:

1. I am one of the inventors and an Applicant of the captioned invention. Prior to February 28, 2001, I had in my possession the invention recited in the claims of the specification.
2. Prior to February 28, 2001, we disclosed to patent counsel, George Hartnell and Linda M. Buckley of the firm Edwards & Angell, LLP, orally and in writing, the present invention. Copies of a draft set of claims that were prepared by Attorney Hartnell and provided to my employer, Fleet Credit Card Services ("Fleet"), prior to February 28, 2001 and of a redlined, revised set of claims that Fleet provided Attorney Hartnell prior to February 28, 2001 are provided in annexes A and B of this declaration.
3. The original draft claims and the redlined, revised claims as embodied by independent method claims 1 and 15 and dependent system claim 20 provide the essence of, respectively, the as-filed independent method claims 1 and 18 and system claim 24 of the captioned patent application. Accordingly, conception of the invention as claimed prior to February 28, 2001 is demonstrated.
4. Edwards & Angell provided Fleet with a draft specification for review and

O. Althoff, et al.
U.S.S.N. 09/910,256
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captioned application with the United States Patent and Trademark Office.
Accordingly, due diligence in filing the application is demonstrated.

5. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Date: 10/12/2005

Oliver T. Althoff
Oliver T. Althoff

BOS2_476086

Attorney Docket No. 55,185 (41371)

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APPLICANT: Oliver T. Althoff, et al. CONFIRMATION NO.: 2955
U.S.S.N.: 09/910,256 GROUP: 2131
FILED: July 20, 2001 EXAMINER: Abdi, K.
FOR: CHECKOUT SYSTEM FOR ON-LINE, CARD PRESENT EQUIVALENT
INTERCHANGES

THE HONORABLE COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

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4. Edwards & Angell provided Fleet with a draft specification for review and comments on June 5, 2001 (See Annex C) and a final draft specification for review on July 10, 2001 (See Annex D). On July 20, 2001, patent counsel filed the above-captioned application with the United States Patent and Trademark Office.

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Date: 8/7/05

BOS2_476086


Thomas S. Johnston

Attorney Docket No. 55,185 (41371)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Oliver T. Althoff, et al. CONFIRMATION NO.: 2955
U.S.S.N.: 09/910,256 GROUP: 3621
FILED: July 20, 2001 EXAMINER: Abdi, K.
FOR: CHECKOUT SYSTEM FOR ON-LINE, CARD PRESENT EQUIVALENT
INTERCHANGES

MS AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

**STATEMENT OF FACTS REGARDING INVENTOR'S
UNWILLINGNESS TO SIGN DECLARATION UNDER 37 CFR § 1.131**

In support of a Petition Under 37 CFR § 1.47 and a Response to Final Office Action filed herewith, the following facts demonstrate the unwillingness of Mr. Michael J. Abbott ("Abbott") to sign a Declaration Under 37 CFR § 1.131 (the "Declaration") in connection with the captioned application.

1. Abbott's last known address is 39 Dabney Road, New Canaan, Connecticut 06840.
2. On July 12, 2005, Edwards & Angell, attorneys-in-fact for the assignee of the captioned invention, mailed a letter containing copies of the Final Office Action dated May 16, 2005, the declaration, and related documents by certified mail/return receipt requested to Abbott's last known address, requesting that Abbott execute the

Certificate of Express Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. **EV711312895US**, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 2, 2005

Signature: 

(Lakisha Bryant)

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declaration and return the executed document to Edwards & Angell. Identical letters and enclosures were also mailed to co-inventors Oliver T. Althoff and Thomas S. Johnstone. A true and accurate copy of the July 12, 2005 letter, including the enclosed declaration and the related documents, is attached as Exhibit A. A copy of a date stamped Receipt for Certified Mail bearing the signature of "Kathleen Abbott" is attached as Exhibit B.


3. On September 30, 2005, Edwards & Angell mailed a second letter containing copies of the specification, the declaration, and the assignment by certified mail/return receipt requested to Mr. Abbott, requesting that Abbott execute the declaration and return the executed document to Edwards & Angell. A true and accurate copy of the September 30, 2005 letter (excluding the attached documents) is attached as Exhibit C. A copy of a date stamped Receipt for Certified Mail is attached as Exhibit D.

Dated: November 2, 2005

Respectfully submitted,

Customer No. 21874

514829

By 
George W. Hartnell, III
Registration No.: 42,639
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
(617) 439-4444
Attorneys/Agents For Applicant

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2. Prior to February 28, 2001, I disclosed to patent counsel, George Hartnell of the firm Edwards & Angell, LLP, orally and in writing, the present invention. Copies of a draft set of claims that were prepared by Attorney Hartnell and provided to my employer, Fleet Credit Card Services ("Fleet"), on November 6, 2000 and of a redlined, revised set of claims that Fleet provided Attorney Hartnell on February 23, 2001 are provided in annexes A and B of this declaration.
3. The original draft claims and the redlined, revised claims as embodied by independent method claims 1 and 15 and dependent system claim 20 provide the essence of, respectively, the as-filed independent method claims 1 and 18 and system claim 24 of the captioned patent application. Accordingly, conception of the invention as claimed prior to February 28, 2001 is demonstrated.
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Date: _____

Michael J. Abbott

BOS2_476086